

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

725 EATERY CORP., etc., *et ano.*, :
Plaintiffs, :

- against -

THE CITY OF NEW YORK, et al., :
Defendants. :

-----X

59 MURRAY ENTERPRISES INC., etc., *et al.*, :
Plaintiffs, :

- against -

THE CITY OF NEW YORK, et al., :
Defendants. :

-----X

CLUB AT 60TH STREET, INC., etc., *et al.*, :
Plaintiffs, :

- against -

THE CITY OF NEW YORK, :
Defendant. :

-----X

336 LLC., etc., *et al.*, :
Plaintiffs, :

- against -

THE CITY OF NEW YORK, :
Defendant. :

-----X

Civil Action No.
02 CV 4431 (WHP)

Civil Action No.
02 CV 4432 (WHP)

Civil Action No.
02 CV 8333 (WHP)

Civil Action No.
18 CV 3732 (WHP)

**NOTICE OF FILING OF PLAINTIFFS' JOINT REPLY APPENDIX (Vol. III of
IV) IN SUPPORT OF PLAINTIFFS' REPLY TO DEFENDANT'S RESPONSE TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

PLEASE TAKE NOTICE, that Plaintiffs hereby file following Joint Reply Appendix (Vol. III of IV) in support of their pending Motion for Preliminary Injunction in the above-captioned actions.

Dated: New York, New York
March 15, 2019

Respectfully,

DANIEL A. SILVER
SILVER & SILVER
One Liberty Square
New Britain, Connecticut 06050-0698
(860) 225-3518

- and -

JENNIFER KINSLEY
Kinsley Law Office
Post Office Box 19478
Cincinnati, Ohio 45219
(513) 708-2595

Attorneys for Plaintiffs
725 Eatery Corp., etc., et ano.

By: s/Jennifer Kinsley
Jennifer Kinsley

EDWARD S. RUDOFISKY
ZANE and RUDOFISKY
601 West 26th Street, # 1315
New York, New York 10001
(212) 245-2222

Attorneys for Plaintiffs
59 Murray Enterprises, Inc., etc.

By: s/Edward S. Rudofsky
Edward S. Rudofsky

JOHN H. WESTON
G. RANDALL GARROU
WESTON, GARROU & MOONEY
12121 Wilshire Boulevard, Suite 525
Los Angeles, CA 90025-1176
(310) 442-0072

- and -

ALAN M. ABRAMSON
ABRAMSON & MORAK
35 Worth Street
New York, New York 10013
(212) 226-7098

Attorneys for Plaintiffs
Club At 60th Street, Inc., etc., et al.

By: s/John Weston
John Weston

ERICA DUBNO
FAHRINGER & DUBNO
767 Third Avenue, Suite 3600
New York, New York 10017
(212) 319-5351

Attorney for Plaintiffs 336 LLC, et al.

By: s/Erica T. Dubno
Erica T. Dubno

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

725 EATERY CORP., etc., *et ano.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 4431 (WHP)

THE CITY OF NEW YORK, et al., :
Defendants. :

-----X

59 MURRAY ENTERPRISES INC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 4432 (WHP)

THE CITY OF NEW YORK, et al., :
Defendants. :

-----X

CLUB AT 60TH STREET, INC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
02 CV 8333 (WHP)

THE CITY OF NEW YORK, :
Defendant. :

-----X

336 LLC., etc., *et al.*, :
Plaintiffs, :

- against -

Civil Action No.
18 CV 3732 (WHP)

THE CITY OF NEW YORK, :
Defendant. :

-----X

**PLAINTIFFS' JOINT REPLY APPENDIX (Vol. III of IV)
IN SUPPORT OF PLAINTIFFS' REPLY TO DEFENDANT'S RESPONSE TO
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

PLAINTIFFS' JOINT REPLY APPENDIX
Vol. III of IV
(pp. 2005-2023)

Per the Court's Order of November 7, 2018, Plaintiffs in each of the four above-entitled actions hereby submit their unitary Joint Reply Appendix consisting exclusively of evidentiary documents upon which some or all of the Plaintiffs may choose to rely in their Reply to Defendant's Response to Plaintiffs' Motion for Preliminary Injunction. The inclusion of documents in this Joint Reply Appendix does not automatically signify an endorsement or promotion of any of these documents by any individual Plaintiff or group of Plaintiffs. That will depend on specific adoption of any of these documents by any Plaintiffs or Group of Plaintiffs in documents they may file with the Court.

The reference below to the "Club Plaintiffs" refers to all the Plaintiffs in Action Nos. 02 CV 4431, 02 CV 4432 and 02 CV 8333. The reference below to the "Bookstore Plaintiffs" refers to all the Plaintiffs in Action No. 18 CV 3732.

TABLE OF CONTENTS

<u>Tab No.</u>	<u>Description of Document</u>	<u>Joint Reply Appendix Starting Page #</u>
	<u>DOCUMENTS SUBMITTED BY CLUB PLAINTIFFS</u>	
	<u>Vol. I of IV (pp. 1882-1981)</u>	
A	Club Plaintiffs' First Supplemental Request to Take Judicial Notice	1882

	<i>Exhibit 2-A: Resolution 0208-1998, approving Text Amendment N 980135 ZRY (“1998 Amendments”), as published in Vol. I of Proceedings of the Council of the City of New York for the period January 7, 1998 to June 24, 1998</i>	1891
	<i>Exhibit 3-A :Resolution 2096-2001, approving Text Amendment N 010508 ZRY (“2001 Amendments”), as signed by the Clerk of the City of New York</i>	1914
	<i>Exhibit 4-A: Portions of NYC Council Resolution 586-2004 amending, AZR 32-01 & 42-01 regarding adult businesses (“2004 Amendments”), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 21, 2004 to December 15, 2004</i>	1933
	<i>Exhibit 5-A: Portions of NYC Council Resolution 0499-2010 amending, AZR 32-01 & 42-01 regarding adult businesses) (“2010 Amendments”), as published in Vol. II, Part I, of Proceedings of the Council of the City of New York for the period July 29, 2010 to December 20, 2010</i>	1941
	<i>Exhibit 82: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 101 (entitled “General”)</i>	1950
	<i>Exhibit 83: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 102 (entitled “Applicability”)</i>	1952
	<i>Exhibit 84: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 104 (entitled “Construction Documents”)</i>	1954
	<i>Exhibit 85: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 105 (entitled “Permits”)</i>	1960
	<i>Exhibit 86: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 116 (entitled “Inspections and Signoff of Completed Work”)</i>	1966
	<i>Exhibit 87: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 117 (entitled “Places of Assembly”)</i>	1968
	<i>Exhibit 88: Excerpts from NYAC Title 28, Chapter 1, Subchapter 1, Article 118 (entitled “Certificates of Occupancy”)</i>	1970
B	Reply Declaration of Michael Berzak Re: Permitting Issues Presented in Plaintiffs’ Motion for Preliminary Injunction	1974

C	Declaration of G. Randall Garrou Re Source of City's NYCAC Provisions Utilized by Plaintiffs	1978
	<u>Vol. II of IV</u> (pp. 1982-2004)	
D	Reply Declaration of Michael Berzak Re: Adult Business Sites in Support of Plaintiffs' Motion for Preliminary Injunction – Part One	1982
	<u>Vol. III of IV</u> (pp. 2005-2023)	
D	Reply Declaration of Michael Berzak Re: Adult Business Sites in Support of Plaintiffs' Motion for Preliminary Injunction – Part Two	2005
	<u>Vol. IV of IV</u> (pp. 2024-2098)	
D	Reply Declaration of Michael Berzak Re: Adult Business Sites in Support of Plaintiffs' Motion for Preliminary Injunction – Part Three	2024
	<i>Exhibit 1K(Amended): Map Showing Maximum Number and Location of Manhattan Relocation Areas</i>	2030
	<i>Exhibit 89: New York Times Article</i>	2032
	<u>DOCUMENTS SUBMITTED BY BOOKSTORE PLAINTIFFS</u>	
E	Reply Declaration of Dr. Elliott D. Sclar	2039

Dated: New York, New York
March 15, 2019

Respectfully submitted,

DANIEL A. SILVER
SILVER & SILVER

One Liberty Square
New Britain, Connecticut 06050-0698
(860) 225-3518

- and -

JENNIFER KINSLEY

Kinsley Law Office
Post Office Box 19478
Cincinnati, Ohio 45219
(513) 708-2595
kinsleylawoffice@gmail.com

Attorneys for Plaintiffs
725 Eatery Corp., etc., et ano.

By: s/ Jennifer M. Kinsley
Jennifer M. Kinsley

EDWARD S. RUDOFISKY

ZANE and RUDOFISKY
601 West 26th Street, # 1315
New York, New York 10001
(212) 245-2222

Attorneys for Plaintiffs
59 Murray Enterprises, Inc., et al.

By: s/Edward S. Rudofsky
Edward S. Rudofsky

JOHN H. WESTON
G. RANDALL GARROU
WESTON, GARROU & MOONEY
12121 Wilshire Boulevard, Suite 525
Los Angeles, CA 90025-1176
(310) 442-0072

- and -

ALAN M. ABRAMSON
ABRAMSON & MORAK
35 Worth Street New York, NY 10013
(212) 226-7098

Attorneys for Plaintiffs
Club At 60th Street, Inc., etc., et al.

By: s/John Weston
John Weston

ERICA DUBNO
FAHRINGER & DUBNO
767 Third Avenue, Suite 3600
New York, New York 10017
(212) 319-5351

Attorney for Plaintiffs 336 LLC, et al.

By: s/Erica T. Dubno
Erica T. Dubno